

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 SS-15 NSC-05 L-02 SCA-01 CPR-01 INSE-00

JUSE-00 CIAE-00 INR-07 NSAE-00 /044 W

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R 212248Z MAR 75

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC 5984

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E.O. 11652: N/A

TAGS: PBOR, CA, US

SUBJECT: GOC DEMARCHE ON BORDER INCIDENTS

1. EMBOFF WAS CALLED IN MARCH 21 BY EXTAFF (JOHNSTON, USA DIVISION) TO DISCUSS SERIES OF INCIDENTS IN PAST YEARS IN WHICH US AUTHORITIES HAD ALLEGEDLY CROSSED BORDER IN INFRINGEMENT OF CANADIAN SOVEREIGNTY. JOHNSTON MENTIONED AN INCIDENT AT OGDENSBURG IN 1973 (WHICH EMBASSY DOES NOT RECALL); ANDERSON INCIDENT AT VANCOUVER LAST FALL; NOONAN, NORTH DAKOTA AIRPORT CASE; POWLESS CASE AT BUFFALO WHERE POLICE CROSSED BORDER IN HOT PURSUIT AND DISCHARGED FIREARMS (ON US SIDE); AND RECENT INCIDENT AT WHIRPOOL RAPIDS NEAR NIAGRA FALLS WHERE POLICE PURSUED INEBRIATED DRIVER INTO CANADA (THIS HAD NOT COME TO OUR ATTENTION). JOHNSTON SAID HE DID NOT WANT TO DISCUSS MERITS OF EACH INCIDENT, NOTING THAT IN NOONAN AIRPORT CASE IT QUITE LIKELY US AUTHORITIES WERE IN THE RIGHT. HOWEVER, THESE INCIDENTS INVARIABLY MADE HEADLINES IN CANADA, OFTEN OCCASIONED QUESTIONS IN PARLIAMENT, AND RESULTING PRESSURE ON EXTAFF TO ACT.

2. JOHNSTON ACKNOWLEDGED THERE PROBABLY FAULTS ON BOTH SIDES, ALLUDING TO STATEMENTS BY CANADIAN POLICE TO PRESS THAT THEY OFTEN CROSSED BORDER IN HOT PURSUIT. EXTAFF MIN MACEACHEN IS APPROACH JUSTICE MIN AND SOLICITOR GENERAL, ASKING THAT INSTRUCTIONS BE GIVEN TO FEDERAL, PROVINCIAL, AND MUNICIPAL LAW ENFORCEMENT

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AUTHORITIES TO BE SCRUPULOUS IN AVOIDING ANY INFRINGEMENT

OF US SOVEREIGNTY. MACEACHEN HAD ASKED THAT APPROACH BE MADE TO USG WITH REQUEST THAT SIMILAR ACTION BE TAKEN WITH RESPECT TO US FEDERAL AND LOCAL AUTHORITIES. A STATEMENT IS BEING PREPARED FOR MACEACHEEN, FOR USE IF NEEDED, DESCRIBING STEPS TAKEN WITH REGARD TO CANADIAN AUTHORITIES AND APPROACH MADE TO USG.

3. EMBOFF NOTED THAT FIVE-ODD INCIDENTS IN TWO YEARS WAS A REMARKABLY GOOD RECORD, GIVEN MILLIONS OF BORDER CROSSINGS ANNUALLY. FURTHER, US AUTHORITIES ALREADY HAD STRICT INSTRUCTIONS, AND IT DOUBTFUL THAT REITERATION OF THEM WOULD EVER BE ABLE TOTALLY TO PREVENT SUCH INCIDENTS OCCURRING. EMBOFF ALSO NOTED PRESSURE ON USG OVER CANADA'S LAKE ERIE FISHING INFRINGEMENTS. JOHNSTON SAID GOC WOULD SHORTLY BE REPLYING TO DEPARTMENT'S NOTE ON FISHING INFRIENGEMENTS OFFERING DISCUSSION OF ENTIRE MATTER. HE AGREED THAT OVERALL RECORD NOT BAD, BUT REPEATED THAT EACH INCIDENT HAD DRAWN HEAVY PUBLICITY WHICH COULD CONCEIVABLY BE DETRIMENTAL TO RELATIONSHIP, AND THAT MACEACHEN FELT NEED TO DEMONSTRATE SOME ACTION.

4. COMMENT: WHILE EMBASSY DOES NOT BELIEVE THESE INCIDENTS CAN BE PREVENTED COMPLETELY, IT WOULD PROBABLY BE HELPFUL IF GOC COULD DEMONSTRATE THAT ACTION BEING TAKEN, AND MIGHT DE-ESCALATE EXTAFF'S OVER-REACTION IN FORM OF FORMAL NOTES, ETC. SUGGEST DEPARTMENT GIVE SYMPATHETIC CONSIDERATION TO CANADIAN DEMARCHE.
PORTER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DEMARCHE, BORDER INCIDENTS, BORDER CONTROLS, MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 21 MAR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975OTTAWA01084
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750100-0818
From: OTTAWA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750327/aaaaayjr.tel
Line Count: 89
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 06 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <06 MAY 2003 by ElyME>; APPROVED <07 MAY 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: GOC DEMARCHE ON BORDER INCIDENTS
TAGS: PBOR, CA, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006